



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

HOUSE BILL NO. 543

FRIDAY, FEBRUARY 27, 2015

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE March 30, 2015
3:45pm

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to surface coal mining.

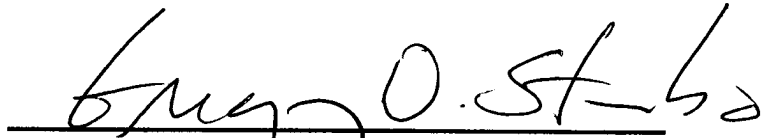
2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 →Section 1. KRS 350.020 is amended to read as follows:


4 The General Assembly finds that the Commonwealth is the leading producer of coal and
5 that the production of coal in Kentucky contributes significantly to the nation's energy
6 needs. The General Assembly further finds that unregulated surface coal mining
7 operations cause soil erosion, damage from rolling stones and overburden, landslides,
8 stream pollution, the accumulation of stagnant water and the seepage of contaminated
9 water, increase the likelihood of floods, destroy the value of land for agricultural
10 purposes, destroy aesthetic values, counteract efforts for the conservation of soil, water
11 and other natural resources, destroy or impair the property rights of citizens, create fire
12 hazards, and in general create hazards dangerous to life and property, so as to constitute
13 an imminent and inordinate peril to the welfare of the Commonwealth. The General
14 Assembly further finds that lands that have been subjected to surface coal mining
15 operations and have not been reclaimed and rehabilitated in accordance with modern
16 standards constitute the aforementioned perils to the welfare of the Commonwealth. The
17 General Assembly further finds that there are wide variations in the circumstances and
18 conditions surrounding and arising out of surface coal mining operations due primarily to
19 difference in topographical and geological conditions, and by reason thereof it is
20 necessary, in order to provide the most effective, beneficial and equitable solution to the
21 problem, that a broad discretion be vested in the authority designated to administer and
22 enforce the regulatory provisions enacted by the General Assembly. The General
23 Assembly further finds that governmental responsibility for regulating surface coal
24 mining operations rests with state government and hereby directs the Energy and
25 Environment Cabinet to take all actions necessary to preserve and exercise the
26 Commonwealth's authority, to the exclusion of all other governmental entities except the
27 Commonwealth and agencies thereof and except as provided in KRS Chapter 100~~1~~₅ and

1 ~~any county surface mining regulation contained within a zoning ordinance adopted prior~~
2 ~~to April 1, 1988, in regulating surface coal mining operations}].~~ Therefore, it is the
3 purpose of this chapter to provide such regulation and control of surface coal mining
4 operations as to minimize or prevent injurious effects on the people and resources of the
5 Commonwealth. To that end, the cabinet is directed to rigidly enforce this chapter and to
6 adopt whatever administrative regulations are found necessary to accomplish the purpose
7 of this chapter.

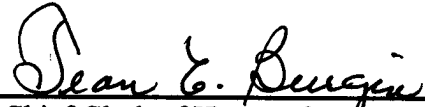
8 ➔Section 2. The amendments provided for in Section 1 of this Act shall not relate
9 to permit actions or the bonds required thereby in effect prior to the effective date of this
10 Act.



Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 3/30/15